



REMARKS/ARGUMENTS

Claims 40-49 are currently pending in the present application. In the Office Action mailed April 7, 2005, claims 40-48 were rejected. Applicant respectfully traverses the rejection. Claims 41-48 have been amended and no new matter has been added.

Rejection under 25 USC § 112

Claims 41-48 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 41-48 depended from previously canceled claims. Claims 41-48 have been amended to depend from claims which are presently in the case. No new matter has been added.

Double Patenting

Claims 40-43 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 5, and 5 respectively, of U.S. Patent No. 6,685,672 in view of U.S. Patent No. 6,575,932 (O'Brien et al.). The applicant respectfully traverses the rejection.

In the interests of expediting prosecution of the present application, applicant submits herewith a terminal disclaimer to overcome the aforementioned non-statutory double patenting rejections with respect to claims 40-43.

Allowable Subject Matter

The Examiner has indicated that claim 49 is allowable for which the Examiner is respectfully thanked.

In view of the foregoing, it is submitted that claims 40-49 are in condition for allowance, and such action is respectfully requested. However, if for any reason direct communication with the Applicant's attorney would serve to advance prosecution of this

Appl. No. 10/754,226
Amd. Dated: August 8, 2005
Reply to Office Action of April 7, 2005

Patent
CVG-5614CON

case to finale, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is hereby authorized to charge any fees associated with this filing or credit any overpayment to Deposit Account No. 50-1225.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce M. Canter". The signature is fluid and cursive, with the first name "Bruce" and last name "Canter" clearly distinguishable.

Bruce M. Canter
Registration No. 34,792

August 8, 2005

CANTER IP LAW, INC.
PMB #66
23411 Aliso Viejo Parkway, Suite K
Aliso Viejo CA 92656
Telephone: (949) 916-0431
Facsimile: (949) 916-0435